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27th Floor
1633 Broadway
New York, NY 10019-6708
G. Roxanne Elings
212.403.6416 tel
212.409.8340 fax
RoxanneElings@dwt.com

October 17, 2012

BY E-MAIL (Nathan.NYSDChambers@nysd.uscourts.gov)

The Honorable Alison D. Nathan
United States District Judge
United States Courthouse
500 Pearl Street, Room 615
New York, NY 10007

**Re: Klipsch Group, Inc. v. Big Box Store, Limited, Case No. 12 CV 6283 (AJN)
Scheduling of Hearing for Stay**

Dear Honorable Judge Nathan,

I am writing in response to the letter from Mr. Basinger of this date requesting that the hearing be rescheduled at his client's request despite that I am currently unable to attend the hearing on Friday.

Mr. Basinger makes a conclusory statement regarding "significant harm," yet as the Court noted yesterday, the order restraining assets has been in place since August 20th and while DealExtreme has all along claimed "significant harm," it has not come forth with any evidence to this effect. On the contrary, DealExtreme has represented that it is a multi-million dollar business and that 14 million dollars transferred through just one of its PayPal accounts for each of the last three months.

The harm, on the other hand, to Klipsch – who has been the victim of counterfeiting, including by DealExtreme – is irreparable and should the restraint be lifted, its right to an appeal will have been mooted. Klipsch has the right to have its full counsel – and in particular its lead counsel – participate in the hearing. Additionally, while the briefing schedule set for Monday's hearing allows for a short time for Klipsch to submit its reply, the schedule as suggested by Mr. Basinger shortens that time considerably.

For the reasons stated above, Klipsch respectfully requests that the hearing remain as scheduled for Monday.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Roxanne Elings', written over a horizontal line.

G. Roxanne Elings

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